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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION
19

20 MICHAEL R. ANDEREGG,
21 Plaintiff,

22 vs.

23 MOORS & CABOT, INC.,
24

25 Moors & Cabot.

Case No.: C 04-01929 CRB

JOINT STIPULATION AND
~~PROPOSED~~ ORDER FOR
REASSIGNMENT OF SETTLEMENT
CONFERENCE JUDGE

The Honorable Charles R. Breyer
Trial Date: December, 2005

26 The parties, Plaintiff Michael Anderegg and Defendant Moors & Cabot, Inc., through
27 their attorneys of record, hereby stipulate and request that the Court order as follows:
28

JOINT STIPULATION AND [PROPOSED] ORDER FOR REASSIGNMENT OF SETTLEMENT CONFERENCE
JUDGE:
CASE NO.: 04-01929 CRB

1 1. On June 3, 2005, a Case Management Conference was held in this matter. At
2 that time, the Court ordered the parties to engage in some form of alternative dispute
3 resolution in August 2005.

4 2. Pursuant to the June 3rd Order, on June 22, 2005 the parties submitted a joint
5 stipulation requesting that this case be referred to a settlement conference judge for the
6 scheduling of a settlement conference. (A copy of the joint stipulation is attached as
7 Exhibit A for the Court's convenience.) In their stipulation, the parties requested that the
8 settlement conference be scheduled for either August 11 or 12, 2005, based on their mutual
9 availability on those dates.

10 3. Thereafter, the case was assigned to Magistrate Judge Bernard Zimmerman,
11 and pursuant to Judge Zimmerman's June 24, 2005 *Order Scheduling Settlement*
12 *Conference*, a settlement conference was scheduled in this action for July 12, 2005 at 9:00
13 a.m.

14 4. Mary F. Riley, lead trial counsel for Moors & Cabot, is unavailable for the
15 settlement conference as presently scheduled on July 12. Due to commitments in other
16 pending matters, as well as a pre-planned vacation, Ms. Riley is not available for a
17 settlement conference in this case prior to the previously agreed upon dates of August 11
18 and August 12.

19 5. Additionally, the parties agree that holding the settlement conference prior to
20 August 11 or 12, will not allow the parties sufficient time to adequately prepare for the
21 settlement conference. The parties believe an August 11 or 12 settlement conference date
22 will allow them the necessary time to meaningfully prepare for and participate in the
23 settlement conference.

24 6. For these reasons, on June 29, 2005, the parties filed a joint stipulation
25 requesting a continuance of the settlement conference to August 11 or 12. Due to Judge
26 Zimmerman's unavailability in August, the request for a continuance was denied. However,
27 to accommodate counsel's schedules, Judge Zimmerman offered to continue the settlement
28 conference to October 6, 2005. Counsel for Plaintiff is unavailable for a settlement

1 conference on that date.

2 7. Because of Defendant's counsel's unavailability for a settlement conference
3 before August 11 or 12, 2005, and the parties' concerns that a settlement conference on July
4 12, 2005 will not allow sufficient time for meaningful participation by the parties in the
5 settlement conference, the parties, through their attorneys of record, hereby stipulate to and
6 respectfully request that the Court reassign this case to a magistrate judge who is available
7 for a settlement conference on August 11 or 12, 2005, or on some other date thereafter in
8 August.

9 DATED: July 6, 2005

HELLER EHRMAN LLP

10 By Michelle A. Rojas
11

MARY F. RILEY
MICHELLE A. ROJAS
Attorneys for Defendant
MOORS & CABOT, INC.

12
13
14 DATED: July 6, 2005

RANKIN, SPROAT, MIRES, BEATY &
REYNOLDS

15
16 By Geoffrey A. Beaty
17

GEOFFREY A. BEATY
LISA T. UNGERER
Attorneys for Plaintiff
MICHAEL R. ANDEREGG

~~[PROPOSED]~~ ORDER

Based on the foregoing stipulation between the parties, and good cause appearing, IT IS HEREBY ORDERED that the case is reassigned from Judge Bernard Zimmerman to a magistrate judge who is available for a settlement conference on August 11 or 12, or some other date thereafter in August.

DATED: July 07, 2005

